

Last Revised 8/1/15

UNITED STATES BANKRUPTCY COURT DISTRICT OF NEW JERSEY

IN RE:

Case No. 16-19775 RGWOLF, THERESA MARIEJudge Hon. GambardellaChapter 13

Debtor(s)

CHAPTER 13 PLAN AND MOTIONS

☐ Original ☒ Modified/Notice Required ☒ Discharge Sought
☐ Motions Included ☐ Modified/No Notice Required ☐ No Discharge Sought

Date: **October 14, 2016**

THE DEBTOR HAS FILED FOR RELIEF UNDER
CHAPTER 13 OF THE BANKRUPTCY CODE

YOUR RIGHTS WILL BE AFFECTED

You should have received from the court a separate *Notice of the Hearing on Confirmation of Plan*, which contains the date of the confirmation hearing on the Plan proposed by the Debtor. This document is the actual Plan proposed by the Debtor to adjust debts. You should read these papers carefully and discuss them with your attorney. Anyone who wishes to oppose any provision of this Plan or any motion included in it must file a written objection within the time frame stated in the Notice. **This Plan may be confirmed and become binding, and included motions may be granted without further notice or hearing, unless written objection is filed before the deadline stated in the Notice.**

**YOU SHOULD FILE A PROOF OF CLAIM BY THE DEADLINE STATED
IN THE NOTICE TO RECEIVE DISTRIBUTIONS UNDER ANY PLAN
THAT MAY BE CONFIRMED, EVEN IF THE PLAN REFERS TO YOUR CLAIM**

Part 1: Payment and Length of Plan

- a. The debtor has paid \$16,735.00 to date and shall pay \$ 3,617.00 per month to the Chapter 13 Trustee, starting on November 1, 2016 for the remaining 55 months.
- b. The Debtor shall make plan payments to the Trustee from the following sources:
 - ☒ Future Earnings
 - ☐ Other sources of funding (describe source, amount and date when funds are available):
- c. Use of real property to satisfy plan obligations:
 - ☐ Sale of real property
 - Description:
 - Proposed date for completion: _____
 - ☐ Refinance of real property
 - Description:
 - Proposed date for completion: _____
 - ☐ Loan modification with respect to mortgage encumbering property
 - Description:
 - Proposed date for completion: _____
- d. ☐ The regular monthly mortgage payment will continue pending the sale, refinance or loan modification.
- e. ☒ Other information that may be important relating to the payment and length of plan. See consent order with State Division of Taxation entered October 6, 2016

Part 2: Adequate Protection

a. Adequate protection payments will be made in the amount of \$ None to be paid to the Chapter 13 Trustee and disbursed pre-confirmation to _____ (creditor).

b. Adequate protection payments will be made in the amount of \$ _____ to be paid directly by the debtor(s) outside the Plan, pre-confirmation to _____ (creditor).

Part 3: Priority Claims (Including Administrative Expenses)

All allowed priority claims will be paid in full unless the creditor agrees otherwise:

Creditor	Type of Priority	Amount to be Paid
NJ Division of Taxation	Sales Taxes	69,927.07

Part 4: Secured Claims**a. Curing Default and Maintaining Payments**

The Debtor shall pay to the Trustee (as part of the Plan) allowed claims for arrearages on monthly obligations and the debtor shall pay directly to the creditor (outside the Plan) monthly obligations due after the bankruptcy filing as follows:

Creditor	Collateral or Type of Debt	Arrearage	Interest Rate on Arrearage	Amount to be Paid to Creditor (In Plan)	Regular Monthly Payment (Outside Plan)
Lakeview Loan Servicing, LLC	First Mortgage	94,112	0	97,926.12	1813 by debtor 1813 by co-owner
NJ Division of Taxation	Business Assets Debtor	16,978.31	0	16,978.31	per sales

b. Modification

1.) The debtor values collateral as indicated below. If the claim may be modified under Section 1322(b)(2), the secured creditor shall be paid the amount listed as the "Value of the Creditor Interest in Collateral," plus interest as stated. The portion of any allowed claim that exceeds that value shall be treated as an unsecured claim. If a secured claim is identified as having "NO VALUE" it shall be treated as an unsecured claim.

NOTE: A modification under this section ALSO REQUIRES the appropriate motion to be filed under Section 7 of the Plan.

Creditor	Collateral	Scheduled Debt	Total Collateral Value	Superior Liens	Value of Creditor Interest in Collateral	Annual Interest Rate	Total Amount to be Paid
None							

2.) Where the Debtor retains collateral and completes the Plan, payment of the full amount of the allowed secured claim shall discharge the corresponding lien.

c. Surrender

Upon confirmation, the stay is terminated as to surrendered collateral. The Debtor surrenders the following collateral:

Creditor	Collateral to be Surrendered	Value of	Remaining
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		Surrendered Collateral	Unsecured Debt
None			

d. Secured Claims Unaffected by the Plan

The following secured claims are unaffected by the Plan:

Wells Fargo Bank, NA, car loan. Current and will be paid outside plan

e. Secured Claims to Be Paid in Full Through the Plan

Creditor	Collateral	Total Amount to be Paid through the Plan
None		

Part 5: Unsecured Claims**a. Not separately classified allowed non-priority unsecured claims shall be paid:**

- ☐ Not less than to be distributed *pro rata*
☐ Not less than _____ percent
☒ *Pro Rata* distribution from any remaining funds

b. Separately Classified Unsecured Claims shall be treated as follows:

Creditor	Basis for Separate Classification	Treatment	Amount to be Paid
Division of Taxation	Consent Order entered on 9/13/16	100%	\$9,298.64

Part 6: Executory Contracts and Unexpired Leases

All executory contracts and unexpired leases are rejected, except the following, which are assumed:

Creditor	Nature of Contract or Lease	Treatment by Debtor
Wells Fargo Bank, N.A.	Financing of Nissan Pathfinder	Assume

Part 7: Motions

NOTE: All plans containing motions must be served on all potentially affected creditors, together with local form, *Notice of Chapter 13 Plan Transmittal*, within the time and in the manner set forth in D.N.J. LBR 3015-1. A *Certification of Service* must be filed with the Clerk of Court when the plan and transmittal notice are served.

a. Motion to Avoid Liens under 11 U.S.C. Section 522(f).

The Debtor moves to avoid the following liens that impair exemptions:

Creditor	Nature of Collateral	Type of Lien	Amount of Lien	Value of Collateral	Amount of Claimed Exemption	Sum of All Other Liens Against the Property	Amount of Lien to be Avoided
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None

b. Motion to Void Liens and Reclassify Claim from Secured to Completely Unsecured.

The Debtor moves to reclassify the following claims as unsecured and to void liens on collateral consistent with Part 4 above:

Creditor	Collateral	Amount of Lien to be Reclassified
None		

c. Motion to Partially Void Liens and Reclassify Underlying Claims as Partially Secured and Partially Unsecured.

The Debtor moves to reclassify the following claims as partially secured and partially unsecured, and to void liens on collateral consistent with Part 4 above:

Creditor	Collateral	Amount to be Deemed Secured	Amount to be Reclassified as Unsecured
None			

Part 8: Other Plan Provisions**a. Vesting of Property of the Estate**

☒ Upon Confirmation
☐ Upon Discharge

b. Payment Notices

Creditors and Lessors provided for in Sections 4, 6 or 7 may continue to mail customary notices or coupons to the Debtor notwithstanding the automatic stay.

c. Order of Distribution

The Trustee shall pay allowed claims in the following order:

- 1) Trustee Commissions
- 2) Other Administrative Claims
- 3) Priority Claims
- 4) Secured Claims
- 5) General Unsecured Claims

d. Post-petition claims The Trustee ☐ is, ☒ is not authorized to pay post-petition claims filed pursuant to 11 U.S.C. Section 1305(a) in the amount filed by the post-petition claimant.

Part 9: Modification

If this plan modifies a plan previously filed in this case, complete the information below.

Date of Plan being modified: July 15, 2016

Explain below why the Plan is being modified.	Explain below how the Plan is being modified.
To conform plan to the exact terms of the consent Order entered with the NJ Division of Taxation and update 1(a) to reflect higher POC amt. for secured debt, and also remove assumption of Honda Civic in #6	See 1(a), 3, and 4(a) and 6

Are Schedules I and J being filed simultaneously with this Modified Plan? ☒ Yes ☐ No

Part 10: Sign Here

The Debtor(s) and the attorney for the Debtor (if any) must sign this Plan.

Date: October 14, 2016

/s/ RONALD I. LEVINE

Attorney for the Debtor

I certify under penalty of perjury that the above is true.

Date: October 14, 2016

/s/ THERESA MARIE WOLF

Debtor

Joint Debtor

Certificate of Notice Page 6 of 6
 United States Bankruptcy Court
 District of New Jersey

In re:
 Theresa Marie Wolf
 Debtor

Case No. 16-19775-RG
 Chapter 13

CERTIFICATE OF NOTICE

District/off: 0312-2

User: admin
 Form ID: pdf901

Page 1 of 1
 Total Noticed: 18

Date Rcvd: Oct 19, 2016

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Oct 21, 2016.

db +Theresa Marie Wolf, 593 Wyckoff Avenue, Mahwah, NJ 07430-3046
 cr +American Honda Finance Corporation, administrator, P.O. Box 168088, Irving, TX 75016-8088
 516188276 +Cenlar Central Loan Administration, POB 11733, Newark, NJ 07101-4733
 516188277 +Chase Card, POB 15298, Wilmington, DE 19850-5298
 516188278 +Citi Cards/Citibank, POB 6241, Sioux Falls, SD 57117-6241
 516188280 John Breggemann, 638 Hil-Ray Ave, Wyckoff, NJ 07481
 516188281 +John Lyons, 593 Wyckoff Avenue, Mahwah, NJ 07430-3046
 516188282 +Lakeview Loan Servicing, LLC, Attn: KML Law Group, P.C., 216 Haddon Avenue, Suite 406, Collingswood, NJ 08108-2812
 516405615 +Lakeview Loan Servicing, LLC, Cenlar FSB, 425 Phillips BLVD, Ewing, NJ 08618-1430
 516188283 +Martha G. Lord d/b/a/ Lord Properties, Attn: Brian E. Fowler, 84 E. Ridgewood Avenue, 2nd Fl, Ridgewood, NJ 07450-3810
 516205924 ++STATE OF NEW JERSEY, DIVISION OF TAXATION BANKRUPTCY UNIT, PO BOX 245, TRENTON NJ 08646-0245
 (address filed with court: State of New Jersey, Division of Taxation, PO Box 245, Trenton, NJ 08695-0245)
 516188284 +State of NJ Division of Taxation, 22-08 Route 208 South, Fair Lawn, NJ 07410-2609
 516249938 Wells Fargo Bank N.A., d/b/a Wells Fargo Dealer Se, P.O. Box 19657, Irvine, CA 92623-9657
 516188286 +Wells Fargo Bank, N.A., POB 1697, Winterville, NC 28590-1697

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.
 smg E-mail/Text: usanj.njbankr@usdoj.gov Oct 19 2016 23:28:24 U.S. Attorney, 970 Broad St., Room 502, Rodino Federal Bldg., Newark, NJ 07102-2534

smg +E-mail/Text: ustpregion03.ne.ecf@usdoj.gov Oct 19 2016 23:28:22 United States Trustee, Office of the United States Trustee, 1085 Raymond Blvd., One Newark Center, Suite 2100, Newark, NJ 07102-5235

516234758 E-mail/Text: ebnbankruptcy@ahm.honda.com Oct 19 2016 23:28:29 American Honda Finance Corporation, P.O. BOX 168088, Irving TX 75016-8088

516188279 E-mail/Text: ebnbankruptcy@ahm.honda.com Oct 19 2016 23:28:29 Honda Financial Services, POB 166469, Irving, TX 75016

TOTAL: 4

***** BYPASSED RECIPIENTS (undeliverable, * duplicate) *****

516188285* +State of NJ Division of Taxation, 22-08 Route 208 South, Fair Lawn, NJ 07410-2609

TOTALS: 0, * 1, ## 0

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP. USPS regulations require that automation-compatible mail display the correct ZIP.

Transmission times for electronic delivery are Eastern Time zone.

Addresses marked '++' were redirected to the recipient's preferred mailing address pursuant to 11 U.S.C. 342(f)/Fed.R.Bank.PR.2002(g)(4).

I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Oct 21, 2016

Signature: /s/Joseph Speetjens

CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on October 19, 2016 at the address(es) listed below:

Denise E. Carlon on behalf of Creditor Lakeview Loan Servicing, LLC dcarlon@kmlawgroup.com, bkggroup@kmlawgroup.com

John R. Morton, Jr. on behalf of Creditor American Honda Finance Corporation, administrator for Honda Lease Trust mortonlaw.bcraig@verizon.net, donnal@mortoncraig.com;mhazlett@mortoncraig.com

Marie-Ann Greenberg magecf@magtrustee.com

Ronald I. LeVine on behalf of Debtor Theresa Marie Wolf ronlevinelawfirm@gmail.com

TOTAL: 4